

**Reclaimed Water Rule Advisory Committee Meeting
June 24, 2009**

- **Welcome and introductions**
- **Meeting purpose and agenda**
- **Rule timeline**
- **Questions and Comments**
- **Rule Part III Permits (continued) - Public Process**
- **Rule Part VII Compliance/Enforcement**
- **Rule Part V Distribution Storage, Use**
- **Rule Part III Permits new general requirements**
- **Rule Part IV Use Specific Requirements**
- **Water Rights**
- **Wrap-up**

<u>Meeting Attendees</u> Committee Members and Alternates	Ecology Staff
Bruce Rawls Spokane County	Katharine Cupps (Phone)
Frank Needham, City of Sequim	Tim Gaffney
Bill Peacock, City of Spokane	Lynn Coleman
Tim Wilson, City of Tumwater	Jocelyn Winz, Notes
Walt Canter, WASWD	Bill Hashim, Facilitator
Doug Raines, WA Dept. of Corrections	Jim McCauley
Don Perry, Lakehaven Utility District	
Clint Perry, Evergreen Valley Utilities	Department of Health Staff
Susan Kaufman-Una, King County	Craig Riley
Hal Schlomann WA Assn S & W Dists.	Denise Lahmann
Karla Fowler, LOTT Alliance	
Allen de Steiguer, PNCWA	Guests
John Kounts WA PUD (Video)	Marc Horton
Ann Wick, WA Dept. of Agriculture	
Gwenn Maxfield (on video)	

Action Item Summary:

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- Ecology staff will provide periodic updates to the RAC from Water Right Committee and a review at end of the whole package.
- Dept. of Health inquired as to whether they should be asking their AAG to prepare for review of the draft rule? Staff indicated it was possible to do AAG reviews in the two agencies concurrently. Yes, DOH will probably want to schedule their AAG to review the draft rule.
- Ask AAG regarding “duly authorized representative” language.
- Definition of public, private and non-public (add to definitions list).
- Determine state role regarding backup or interrupted supply.
- Consider addressing in feasibility studies and planning requirements or guidance.
- Jim will research this with drinking water staff since similar language is used in the federal and state Surface Water Treatment Rule.
- Ecology will revise language for residential uses of reclaimed water for consistency between Parts V and VI of the draft rule and consistency with the state Uniform Plumbing Code.

9:35 Meeting purpose and agenda

Tim thanked everyone for written comments he received since the last meeting and for attending this meeting. Bill Hashim asked for any announcements.

- Department of Corrections is getting media (national) attention for sustainability efforts in WA State.
- Hal displayed report to congress on climate change available at www.globalchange.gov/usimpacts. The report indicates that WA State will be one of the driest places in summer. This could encourage storage of winter precipitation.

Format and goals for the meeting:

Ecology wants to complete committee work on formerly introduced parts of the draft rule and introduce new parts.

Ecology proposed a new approach to more effectively manage time. Instead of going through the draft rule line by line, Ecology staff summarizes each part and then takes comments on the whole part and on the individual sections within the part of the rule. The RAC was asked if they preferred to hold questions until the end of a staff presentation or to ask questions as we go through the material line by line. General agreement was to have staff present the entire part first and then take comments and questions.

Review of Timeline

Tim reviewed the process Ecology used to incorporate comments for Parts I and IV of the draft rule. Parts I and IV have been revised based on written and verbal comments received from the RAC. Both written comments and revisions to these parts will be posted to the reclaimed water website. Additional written or oral comments are welcome at any time but we will minimize committee time to cover new tasks.

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- Tim reviewed the rule development timeline and recent changes. One change is a proposed agency internal review between Oct 22- and Nov 24.
- Proposed AAG review is from November 25 to December 23rd. These are estimates.
- Critical factor is The SBEIS economic analysis, Cost Benefit and economic analysis can take anywhere from 30 and 90 days.
- Depending upon the content, and complexity of the draft rule, some of the SBEIS economic analysis might be done concurrently with the Agency Review and the AAG Review.

Questions and Comments

- If we represent a public utility with 50 employees or less, are we included in the SBEIS analysis? Yes, staff believes that would be the case.
- When is SEPA triggered for rule making?
 - Ecology staff is developing a SEPA checklist to determine if further work is necessary. Essentially everything must be done to introduce the final rule (file the CR 102 form) by June, 2010.
- How do water rights issues fit in since draft rule will be done prior to the end of the 2010 legislative session?
 - Any water right language has to be in the draft rule by June, 2010 to move forward.
 - Ecology may need to develop a list of options for SBEIS and cost/benefit analysis purposes to cover water right topics that might be addressed during the legislative session.
 - Many water rights issues will be in guidance rather than rule.
 - Those issues that might be addressed statutorily will appear in the November 30th, 2009 report to the Legislature.
- Does the RAC have review authority over Impairment Assessment language?

RAC Member Suggestions and Agreement:

- The RAC members want their own opportunity to review water right issues. They do not want to delegate this solely to the Water Rights Committee.

Ecology action item:

- Ecology staff will provide periodic updates to the RAC from Water Right Committee and a review at end of the whole package.
- Dept. of Health inquired as to whether they should be asking their AAG to prepare for review of the draft rule? Staff indicated it was possible to do AAG reviews in the two agencies concurrently. Yes, DOH will probably want to schedule their AAG to review the draft rule.

10:00 Rule Part III Permits (continued) - Public Process

Kathy summarized earlier work on permits and intent of this Part of rule.

RAC Member Suggestions:

- Clarify the Master Generator Permit as a type of individual permit
- Signatures. (Sec. 220 1. (d) Consider friendly amendments “public agency...” or “duly authorized representative”.

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- Definition of private, public, non-public? What is considered what? Definition should be clear.

Ecology action items:

- Ask AAG regarding “duly authorized representative” language.
- Definition of public, private and non-public (add to definitions list).

RAC member comments and suggestions: (Sec. 280)

- Concern regarding permit suspension or revocation and the need for backup supply or interruptible supply.
- Issue must be addressed within utility and with users.
- Include in contracts and agreements.
- Business issue for utility, not for state.
- Don Perry earlier provides a list of issues that utilities need to address. This should be in guidance documents. Addressing interruptibility for cause will limit liability.
- Impact on private water systems?

Ecology action items:

- Determine state role regarding backup or interrupted supply.
- Consider addressing in feasibility studies and planning requirements or guidance.
- Identify content, if any, that should be included in rule.

10:15 Rule Part VII Compliance/Enforcement

- No comments on this section, primarily legal description.
- Ecology will get legal advice on specific language.

10:45 Rule Part V Distribution Storage, Use

Jim summarized revisions to this part of the draft rule.

- Distinguish operational storage from emergency storage. Operational storage as described in this section is for reclaimed water that meets class specifications, but cannot be used due to weather or lack of demand. Emergency storage is for partially treated water and is addressed in Part IV under the treatment reliability section.
- Pipeline separation criteria in section 420 is consistent with Orange Book guidance. Ecology and DOH developed a “Pipeline Separation Design and Installation Reference Guide” that allows lesser separation distances when justified. Some language has been added to clarify the cross-connection control paragraphs in 420.
- Section 430 has been changed to allow additional flexibility in using tank trucks for transport of reclaimed water which still protecting potable sources.
- Minor work changes have been made to section 440.
- Paragraph 2. of section 460 has been revised for clarity.

Section 420 Distribution System Requirements

RAC member suggestions:

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- Clarify chlorine residual information and requirements. Should it be “detectable” or measured at 0.2 mg/L as a minimum? New guidance from the WaterReuse Association may use the 0.2 mg/L value.
- Clarify the meaning of 4 (e) Perhaps move to Part I or Part VI
- Paragraph 4(e) is inconsistent with Part VI 173-219-500 2.a.iii & iv that states residential buildings must have restricted plumbing access.

RAC member agreements:

- 1. Revise last line of subparagraph (b) to read “during storage or conveyance” to the point of use. Delete 1 (a) chlorine residual information
- 2. Labeling: Change “to warn” to “advise”. Make same change in Section 450, paragraph 4.

Ecology action items:

- Jim will research this with drinking water staff since similar language is used in the federal and state Surface Water Treatment Rule.
- Ecology will revise language for residential uses of reclaimed water for consistency between Parts V and VI of the draft rule and consistency with the state Uniform Plumbing Code.

Section 430 Distribution by Tank Trucks

RAC member suggestions:

- Delete the remainder of the sentence after the word “purveyor” in paragraph 2.a.
- Paragraph 2.a. needs to be clarified. Suggest discussion with DOH drinking water staff.

Ecology action items:

- Ecology will consult with DOH drinking water staff regarding tank trucks used for multiple purposes and revise the language as necessary.

Section 440 Minimum Setback Distances from Potable Water Supplies

RAC member suggestions:

- Clarify what equivalency means Sec. 440 paragraph 4. (footnote 8)

Ecology action items:

- Clarify the phrase “an equal degree of public health and environmental protection” in the reclaimed water guidance manual.

Section 460 Labeling of reclaimed water

RAC member suggestions:

- Paragraph 1. Establish a reasonable conversion time frame or plan for converting an existing system to purple pipe distribution.
- Should retrofits be addressed in rule, guidance, or permit requirements?
- What class of reclaimed water does the phrase “full body contact with the water is not recommended”? Use of Class A reclaimed water for a swimming pool has been proposed.

Ecology action items:

- Ecology will reword paragraph 1, to clarify flexibility for retrofit situations.

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- Kathy going to delete parenthetical references to color purple Pantone #'s or other colors and move that to a new subsection #3.
- Ecology will research the human contact issue further and revise the language to this paragraph.

12:15 Rule Part II Submittals

Tim and Kathy introduced this Part of the rule. They noted that two sections will be introduced at a later meeting:

- Sec. 150 Water right impairment assessment will be covered as a separate issue
- Sec. 160 Engineering reports beginning with 1. (after i) re. direct aquifer recharge projects will be covered with groundwater recharge use (Part VI Sec. 800).

This Part will be discussed in depth at the July 22 RAC Meeting. Ecology took preliminary comments and noted that additional comments sent by July 1 will be incorporated for the discussion on July 22.

Section 120

RAC member suggestions

- Have the permit begin the five year period upon operation of the plant, not the permit issue date.
- A permit may be issued prior to approval of construction plans and specifications.
- The RW plan, engineering report, construction plans and specs may require sequential submissions. (Sec 120 2. Submission process)

RAC member agreements: Sec. 120

- The manual (vi) needs definition, a detailed outline or draft basics.

Ecology action items:

- Design a flow chart or matrix for the submittal of documents (RW Plan, Engineering report, construction/design etc...)
- Consult with AAG regarding construction, operation, and when distribution and/or production begin officially.

Section 130 Agency Review

RAC member suggestions:

- Have lead agency/Department language consistent with the new session law.

Section 140 Planning Requirements

RAC member suggestions

- Fiscal analysis needed early on –preliminary –
 - Allen says it is included in section 1 (g).
- Kathy asked everyone to provide some language in writing on what we should require in section 140. Rule or Guidance?

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RAC member agreements:

- 140(1)(g) - Divide g into g and h with the second sentence, as i then I becomes j.

Ecology action items: Sec. 140

- Editorial changes.

Sec. 170

Ecology action items:

- (2) clarify department/lead agency

12:35 Rule Part III Permits – New (General Requirements)

Kathy introduced the final topic in Part III, Permit Requirements and took preliminary suggestions and comments. The permit requirements will be discussed at the next meeting in more detail. Permit requirements related to a specific use will be discussed with the requirements for that use.

RAC member suggestions: Sec. 290 4 (c.)

Determine if these cited regulations cover all regulated chemicals, and PPCP's.

Ecology action items: Sec. 230 (4) Economic impact analysis.

- Ecology noted that it is seeking legal advice regarding economic analysis requirements for general permits.

1:05 Rule Part VI Use Specific Requirements - New Commercial/Industrial and Irrigation

Kathy briefly introduced this Part for discussion at the July 22 meeting and took preliminary comments.

RAC member suggestions: Sec. 500 2 iv.

- Compare with Sec. 420 4 (e)

RAC member suggestions: Sec. 540

- Research issue for fire fighting with reclaimed water for existing hydrants and homes with single meters.
- Research interconnection between rule and guidance for interruptibility & metering issues for commercial and industrial uses

Ecology action items:

- DOH should research how other states deal with fire-fighting issue.

2:10 Water Rights Issues – Lynn

Lynn briefly described a couple of the issues the Reclaimed Water and Water Rights Committee is addressing. A short discussion about the different policy choices followed.

Ecology action item:

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- Ecology staff will provide periodic updates to the RAC from Water Right Committee and a review at end of the whole package. See 9:45 notes for more detail.

2:40 Misc. Updates – Comments – Wrap up – meeting closure (SUMMERIZE ACTION ITEMS)

No summary of action items was done before meeting adjourned.

Group was give task: Review and comment on newly introduced Parts II, III, V, VI and VII by July 1, 2009. Prepare for discussion at the new meeting.

Next RAC meeting July 22, 2009.